



IN REPLY REFER TO:

United States Department of the Interior

NATIONAL PARK SERVICE

National Capital Region

Rock Creek Park

3545 Williamsburg Lane, N.W.

Washington, D.C. 20008-1207



November 1, 2011

Record of Determination for a Partial and Temporary Closure of Certain Federal Parkland for the Infrastructure Message Event

Pursuant to 36 C.F.R. § 1.5, the National Park Service is temporarily closing certain parkland in Georgetown Waterfront Park on Wednesday, November 2, 2011. This closure is necessary for the set-up of security fencing and security sweep of the area for the Infrastructure Message Event which will help provide for a secure and safe venue for the protection of dignitaries, participants and the public.

The park closure will begin at 9:00 a.m. on Wednesday, November 2, and include Georgetown Waterfront Park from 33rd Street to the western boundary of the park. The closed area will be more particularly identified by fencing and signage and will re-open by 5:00 p.m. on Wednesday, November 2.

The Infrastructure Message Event is expected to be attended by the President, dignitaries, White House staff as well as ticketed members of the public who will total 500 participants. The partial and temporary closure come at the request of United States Secret Service, in consultation with the United States Park Police, to help ensure public safety and security.

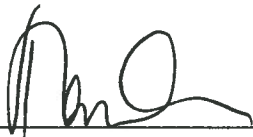
These security features are a part of the National Park Service's and United States Park Police's enhanced security efforts, in cooperation with the United States Secret Service, to help ensure the safety of the President, dignitaries, and the public, which will include exterior physical barriers and fencing. Lesser restrictive methods will not suffice because of the need to protect the President, dignitaries and public and ensure the safe and sufficient passage of the public through the use of limited park closures and a security sweep.

This partial and temporary closure does not constitute an impairment to park resources and values and is not of a nature, magnitude or duration that will result in a significant alteration of the public use pattern. Further, it will not adversely affect the park's natural, aesthetic or cultural values and is not of a highly controversial nature given the security measures already undertaken following the terrorist attacks of September 11, 2001. Similar restrictions have become common at other events and public facilities throughout the country.

Accordingly, the National Park Service has determined publication as rulemaking in the Federal Register is unwarranted under 36 C.F.R. §1.5(c). The partial and temporary park closure and public use limitation is consistent with hundreds of other temporary park closures, the legal opinion of the Office of the Solicitor, and judicial adjudications. *ANSWER Coalition v. Norton*, No. 05-0071, (D.D.C. January 18, 2005), *Mahoney v. Norton*, No. 02-1715 (D.D.C. August 22, 2002), *plaintiffs' emergency motion for appeal for injunction pending appealed denied Mahoney v. Norton*, No. 02-5275 (D.C. Cir. September 9, 2002) (per

curiam); *Picciotto v. United States*, No. 99-2113 (D. D.C. August 6, 1999); *Picciotto v. Lujan*, No. 90-1261 (D. D.C. May 30, 1990) *Picciotto v. Hodel*, No. 87-3290 (D. D.C. December 7, 1987); *Spiegel v. Babbitt*, 855 F. Supp. 402 (D. D.C. 1994), *affd in parr w/o op.* 56 F. 3d 1531 (D.C. Cir. 1995), reported in full, 1995 US App. Lexis 15200 (D.C. Cir. May 31, 1995).

Pursuant to 36 C.F.R. §1.7, notice of this temporary and partial closure and public use limitation will be made through media advisories, maps and posting at conspicuous locations in the affected park areas. Finally, pursuant to 36 C.F.R. §1.5(c), this determination is available to the public upon request.

A handwritten signature in black ink, appearing to read 'Tara Morrison', written over a horizontal line.

Tara Morrison
Superintendent, Rock Creek Park

November 1, 2011

Date